

February 20, 1975

SENATOR F. LEWIS: Mr. Chairman, to come to the issue of 403 and most of you are painfully aware of the problem associated with it. Last Tuesday, the Education Committee voted to try to bring about emergency legislation that would trigger the funding of already authorized and appropriated funds. Obviously, most of you are keenly aware of the problem, because many of them in your districts, of the inability to trigger the funding mechanisms to provide dollars for special education. This has created a series of problems. It's a last ditch effort. I tell that to you. We've tried a number of things. We had a public hearing encouraging the State Department of Education, encouraging D.A.S., encouraging those that were involved with the bill to come up with solutions to the problems so the money that had been duly appropriated and duly expected on September the 30th, December the 30th, would be authorized. We have been unable to do that. We placed together an amendment and a bill that you have seen in hopes that you would introduce the bill. If you choose not to, and there is still a problem, the Education Committee has today given me authority, if this bill is not introduced, to put 456 on the floor as amended. LB 456, and this is with the consent of Senator Bereuter. LB 456 provides for special education. We have struck the provisions of 456 and inserted request bill 782 before you in it. I would prefer not to take that avenue. I would prefer that we handle this in an orderly way to take care of the problem at hand. I have run this by the Attorney General. The Attorney General tells me, and said to me definitively, this is constitutional and legal and defensible. Specifically, there are two or three things that I think I ought to say to you. You ought to read it very carefully. First, in 14 days after the effective date of this act every school district that wishes to receive money under LB 403 will provide a certified list of those students receiving special education, and those students who are eligible for special education, and those who are actually receiving it. Secondly, they will provide that within 14 days, 4 weeks from the date of this act, the State Department of Education will fund back to the school districts, based on those students, based on their specific type of handicap, \$2 million. We have attempted to equate what the number of handicapped students, the types of categories, and make sure that equals to \$2 million. There may be some necessary adjustments to make on that issue on Select File. Again, let me emphasize if you pass this emergency legislation it will only put us in a position of the normal transfer out of funds for special education at the level we should be at now. We are asking no new funds. We're not asking to expend even all the \$8.6 million now. We are asking that let's get it to the point where it should be so we can have the on-going programs. Let me explain to you what I think is occurring in the area of special education now. First of all, I believe because of the lack of funding to those people providing educational services for the handicapped that we are in a drop in professional people to handle the situation. That is not a large supply area. That is a strong demand area. We're going to lose these people and we're going to have to retool it up. Again I